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 Attorneys for Defendants
 10 Deutsche Bank National Trust Company, as Trustee;
 JPMorgan Chase Bank, N.A., as an acquirer of
 11 certain assets and liabilities of Washington Mutual
 Bank, F.A. from the FDIC, acting as receiver; and
 12 and California Reconveyance Company
 13
 14
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UNITED STATES DISTRICT COURT

DISTRICT OF NEVADA

18 CHARLES ANDERSON, an individual,)
)
 19 Plaintiff,)
)
 20 v.)
)
 21 DEUTSCHE BANK NATIONAL TR CO;)
 JP MORGAN CHASE BANK, N.A.;)
 22 CALIFORNIA RECONVEYANCE CO.;)
 AND DOES I individuals 1 to 100, Inclusive;)
 23 and ROES Corporations 1 to 30, Inclusive;)
 and all other persons and entities unknown)
 24 claiming any right, title, estate, lien or interest)
 25 in the real property, described in the Complaint)
 adverse to Plaintiff's ownership, or any cloud)
 26 upon Plaintiff's title thereto,)
)
 27 Defendants.)
)
 28

CASE NO. 2:10-cv-02242-RLH-GWF

DEFENDANTS' MOTION TO STRIKE
PLAINTIFF'S REPLY TO
DEFENDANTS' ANSWER TO
COMPLAINT

SMITH LARSEN & WIXOM

ATTORNEYS
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1 Defendants Deutsche Bank National Trust Company, as Trustee ("Deutsche Bank");
 2 JPMorgan Chase Bank, N.A., as an acquirer of certain assets and liabilities of Washington Mutual
 3 Bank, F.A. from the FDIC, acting as receiver ("Chase"); and California Reconveyance Company
 4 ("CRC") (collectively, the "Defendants"), by and through their undersigned counsel, respectfully
 5 request that the Court strike Plaintiff's Reply (the "Reply") (Doc. No. 18) to Defendants' Answer
 6 ("Answer") to Complaint pursuant to Fed. R. Civ. P. 12(f).

7 Rule 12(f) provides, in pertinent part, that "[t]he court may strike from a pleading an
 8 insufficient defense or any redundant, immaterial, impertinent, or scandalous matter." Plaintiff's
 9 Reply to Defendants' Answer is, at best, a fugitive and redundant document that is not contemplated
 10 within the Federal Rules of Civil Procedure ("Federal Rules"), and it must be stricken.

11 Moreover, the Reply must be stricken because it is prejudicial to Defendants.¹ The Reply
 12 appears to assert that Defendants' Answer is somehow defective because it is not verified, sworn to
 13 under penalty of perjury, or otherwise proven to be true. While Defendants profoundly disagree with
 14 Plaintiff's argument, in any event, the Federal Rules do not contemplate filing of responses to an
 15 answer, unless specifically ordered by the Court. *See* Fed. R. Civ. P. 7(a). As such, the Reply must
 16 be stricken in order to prevent Plaintiff's one-sided argument from becoming part of the record,
 17 which would be highly prejudicial to Defendants. Defendants were well within their rights to file
 18 an Answer to Plaintiff's Complaint, and any opposition to the Answer is unfairly prejudicial to
 19 Defendants.

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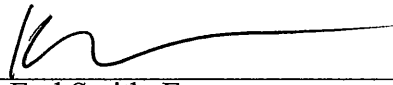
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27 In an unpublished opinion, the Ninth Circuit held that motions to strike under Rule 12(f) do not require a
 28 showing of prejudice. *See, e.g., Atlantic Richfield Co. v. Ramirez*, 176 F.3d 481 (9th Cir. 1999).
 Nevertheless, the importance of striking Plaintiff's Reply is underscored by the fact that the Reply is
 prejudicial to Defendants.

1 For each of the foregoing reasons, Defendants respectfully request that Plaintiff's Reply be
2 stricken from the records of this case.

3 DATED this 4th day of March, 2011.

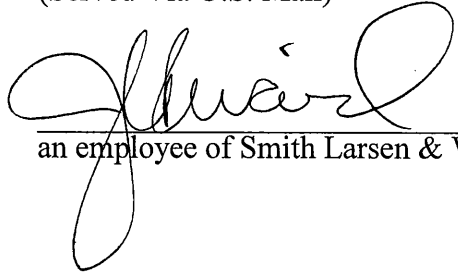
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17 certain assets and liabilities of Washington Mutual
18 Bank, F.A. from the FDIC, acting as receiver; and
19 and California Reconveyance Company
20

21 **CERTIFICATE OF SERVICE**

22 I HEREBY CERTIFY that on this 4th day of March, 2011, a true copy of the Foregoing
23 **Defendants' Motion to Strike Plaintiff's Reply to Defendants' Answer to Complaint** was filed
24 electronically via the court's CM/ECF system and served either by mail, postage prepaid, to the
25 following or electronically as noted:
26

27 Charles Anderson
28 6145 Laredo Street
Las Vegas, NV 89146
Plaintiff in pro per
(Served Via U.S. Mail)

29 
30 an employee of Smith Larsen & Wixom